

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOEL P. MOYER, et al.,)	Case No. C-1-01-140
	:	
Plaintiffs,)	(Judge Weber)
	:	
-v-)	PLAINTIFFS' RESPONSE TO MOTION
	:	OF DEFENDANT AMBASSADOR
PEOPLE TO PEOPLE)	PROGRAMS, INC. FOR LEAVE TO
INTERNATIONAL, INC., et al.,)	TAKE DEPOSITION OF PLAINTIFF
	:	JOEL P. MOYER
Defendant.)	
	:	

Plaintiffs submit this brief memorandum in response to the Motion of Defendant Ambassador Programs, Inc. for leave to take a supplemental deposition of Plaintiff Joel P. Moyer. As will be explained below, Plaintiffs believe that recent developments should render Defendant's motion moot.

Subsequent to the time of initial discussions and communications with counsel for Defendant Ambassador about taking a supplemental deposition, Joel Moyer determined to seek consultation with Dr. John Roberts. Dr. Roberts is an orthopedic surgeon who specializes in spines. Joel Moyer sought this medical consultation because of the continued problems and lack of improvement in his physical condition over the past year or so. This development is new information to which, Plaintiffs agree, Defendant Ambassador would be entitled to discover in a supplemental deposition. Plaintiffs informed Defendant Ambassador of this development, and proposed that mutually agreeable arrangements can be made for Joel Moyer to undergo a supplemental deposition limited to updating his physical condition.

Based on the foregoing, Plaintiffs believe that mutually agreeable arrangements can be worked out for a supplemental deposition of Joel Moyer, and that the Motion of Defendant requesting leave is moot.

Respectfully submitted,

/s/ Peter J. Stautberg

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PLAINTIFFS' MEMORANDUM IN RESPONSE TO MOTION OF DEFENDANT AMBASSADOR PROGRAMS, INC. FOR LEAVE TO TAKE DEPOSITION OF PLAINTIFF JOEL P. MOYER was served upon this 12th day of May, 2004 by electronic mail upon:

Robert Hanseman, Esq.
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and by regular U.S. mail upon:

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/s/ Peter J. Stautberg

Peter J. Stautberg